



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

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Pontiac, Michigan 48342
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Dated: May 6, 2013

ORDER NO. S-267

RE: **Adopt ordinance to amend Chapter 74 of the Code of Ordinances regulating historical preservation (Historic District Commission)**

TO: ✓ Sherikia Hawkins, City Clerk
Charles Smith, Project Manager, Wade Trim

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that “[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances....”

WHEREAS, Emergency Manager Schimmel introduced the attached ordinance at a public meeting on May 1, 2013; and,

WHEREAS, the proposed ordinance was distributed to each member of the Council and the Mayor by the Clerk; and,

WHEREAS, a summary of the proposed ordinance and time and place of consideration by the Emergency Manager was published in the Detroit News on May 3, 2013; and,

WHEREAS, the Emergency Manager at a public meeting on May 6, 2013 announced that he is adopting the proposed ordinance.

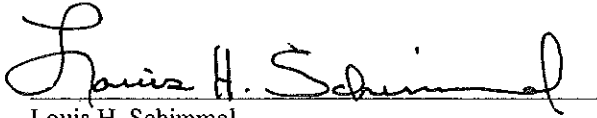
It is hereby ordered:

1. That the attached Ordinance No. 2283, an ordinance to regulate weeds, is adopted.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.

A handwritten signature in black ink, reading "Louis H. Schimmel". The signature is written in a cursive style with a horizontal line underneath it.

Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

Ordinance No. 2283

An ordinance to amend Chapter 74, of the Code of Ordinances regulating historical preservation.

The City of Pontiac ordains:

Section 1. Amendments.

A. Chapter 74, Article III, Sections 74-54 of the Code of Ordinances, shall be amended to read as follows:

74-54 Creation and composition of historic district commission; removal from office.

A commission is hereby established to be composed of seven members, who reside in the city and are appointed by the mayor. Members shall be appointed for three-year terms, except the initial appointment of some of the members shall be for less than three years to the end that the initial appointments shall be staggered so that subsequent appointments shall not all recur at the same time. Members shall be eligible for reappointment by the mayor. In the event of a vacancy on the commission, interim appointments may be made by the appointing authority to complete the unexpired term of such position. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation. The mayor shall appoint at least two members from a list of citizens submitted by a duly organized and existing preservation society or societies, and one architect, duly registered in this state, if an architect resides or works or has offices in the city and is available for appointment. The commission shall have no less than three members who are property owners within the historic districts. Any Member who has three unexcused absences during the course of one year will be considered to have resigned from the commission and the mayor may make an interim appointment to complete the unexpired term of such position. A member may be removed from the commission by the mayor for misfeasance, malfeasance, or nonfeasance in office after having the opportunity to be heard before the city council, and upon an affirmative vote of majority of the seated council.

B. Chapter 74, Article IV shall be deleted in its entirety.

Section 2. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Saving Clause.

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 4. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Publication

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 6. Effective Date

This Ordinance shall be effective ten days after date of adoption.